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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
SALCE, JASON P	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/750,530	KHOO ET AL.	
	Examiner	Art Unit	
	Jason P. Salce	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,9-12,17,18,22,44-47,71,73,74,76,78 and 80-142* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,9-12,17,18,22,44-47,71,73,74,76,78 and 80-142* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9/21/2005*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/21/2005 has been entered.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 9/21/2005 was filed after the mailing date of the Final Rejection on 3/21/2005. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Response to Arguments

3. Applicant's arguments filed 9/21/2005 have been fully considered but they are not persuasive.

The declaration filed on 10/31/2005 under 37 CFR 1.131 has been considered but is ineffective to overcome the Candelore reference.

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Candelore reference.

After careful review of Exhibits 1-5, the examiner has determined that Exhibit 5 is insufficient evidence of a reduction to practice of Applicant's claimed invention. Exhibit 5 provides contradictory date information in regards to the July 9, 1997 critical date that the Applicant is attempting to swear behind. For example, note Pages 18-19, 33 and 68-69, which all cite and reference articles that were published after the critical date (July 9, 1997). The examiner notes that because of the contradictory dates provided in the document, the examiner cannot determine which portions of the document, if any, were created before the critical date. The examiner would have to analyze a list of document revisions, which discuss that the document's portions that cite future dated articles were added after the critical date, as well as state what portions were actually included before the critical date.

In regards to Exhibit 6, the code seems to have been printed in error. The examiner recalls reviewing the code in the previous Attorney Interview. The numerous unreadable characters were not a part of the code. Applicant may wish to resubmit the code in a readable form.

In regards to the actual written declaration submitted 10/31/2005, the Applicant clearly states that the previous declaration, which attempted to disclose conception of the invention (and failed to do so for failing to provide documentation that showed due diligence), is withdrawn, and an actual reduction to practice would be disclosed in

Exhibits 1-5. However, throughout the remainder of the document (in particular Page 3, Line 9) still discloses that Exhibits 1-5 support conception for the claimed invention, and not a reduction to practice. Applicants should modify the document to clearly state that a reduction to practice is being shown, and not conception.

Because of the insufficient declaration, Candelore stills reads on the claim limitations, which have been amended. A rejection is provided below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 9-12, 17-18, 22, 44-47, 71, 73-74, 76, 78, 80-90, 92-103 and 105-137 are rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore (U.S. Patent No. 6,057,872) in view of Alexander et al. (U.S. Patent No. 6,177,931).

Referring to claim 1, Candelore discloses providing a reward for receiving content having a video component to at least one viewer over a data network (see Column 3, Lines 40-49).

Candelore also discloses transmitting the content over the data network to a reception device (see terminal 160 in Figure 1 and Column 6, Lines 17-26).

Candelore also discloses presenting on the reception device the content for a presentation period (Column 6, Lines 35-36).

Candelore also discloses providing a reward if the presenting of the content satisfies a predetermined condition associated with the reward (see Column 4, Lines 30-37 and Figure 7B).

Candelore also teaches that the rewards can be sent to the viewer based on a viewer's profile (see Column 4, Lines 16-30), but fails to disclose that the content is transmitted to the reception device in accordance with a customized schedule based on information about the at least one viewer.

Alexander teaches a targeted advertisement system, which customizes video programming, as well as video advertisements (content) to a specified user using a user profile, which is based off the user's viewing habits (see Column 32, Lines 23-67 and Column 33 and 34, Lines 1-67).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the television reward system, as taught by Candelore, using the targeted advertising system, as taught by Alexander, for the purpose of providing customized video and/or advertising to the viewer (see Column 2, Lines 20-21 of Alexander).

Claim 9 corresponds to claim 1, where Candelore further discloses requesting, by the reception device over the data network, the content from a server (see headend 110 in Figure 1 and Column 2, Lines 4-9 for a VOD service (which is one of many different services provided by Candelore), which allows a user to request content from a server).

Candelore also discloses retrieving, by the content providing server, the content requested (see again Column 2, Lines 4-9).

Candelore also discloses transmitting the content to the content reception device through the data network (see again Column 2, Lines 4-9).

Note that selecting a video-on-demand movie by a user consists of requesting the movie (by the user), retrieving the movie (from a video server), and transmitting the movie back to the user.

Also note the rejection of claim 1, for how Alexander adds the functionality of providing "customized (video) content" to the viewer.

Claim 10 corresponds to claim 9, where Alexander discloses transmitting, by the reception device, information regarding characteristics of the at least one viewer, and storing, by the server, the information regarding characteristics of the at least one viewer (see Column 29, Lines 14-21).

Claim 11 corresponds to claim 9, where Alexander discloses that the reception device requests customized content based on a demographic of the at least one viewer (see Column 30, Lines 53-58 and note that if the EPG is customized, then the user would inherently be requesting "customized content").

Claim 12 corresponds to claim 1, Alexander discloses displaying the content on an intelligent television (see Column 8, Lines 66-67 and Column 9, Line 1).

Claim 17 corresponds to claim 1, Alexander discloses displaying the customized content for presentation period sufficient to receive at least a portion of the customized content (see Figure 1, for the program "REMEMBER" being displayed from 9pm to

9:30pm). Therefore, since the EPG is customized (see the rejection of claim 11), the customized program "REMEMBER", will be displayed for the time period specified by the EPG.

Claim 18 corresponds to claim 1, Candelore discloses the predetermined condition associated with the reward is defined to require that a presentation period exceed a predetermined threshold (see Figure 7B and Column 11, Lines 41-67 and Column 12, Lines 1-56).

Claim 22 corresponds to claim 1, Candelore discloses providing a monetary award to the viewer (Column 9, Lines 7-14).

Referring to claim 44, see rejection of claim 1. Also note that claim 44 further recites that the reward is provided based on the information about the at least one viewer (for example, note that the reward is provided by Candelore only if the user watches the content for a specified period of time (see Figure 7B), therefore the reward is provided based on the information of at least one viewer).

Referring to claim 45-46, see the rejection of claim 11.

Referring to claim 47, see the rejection of claim 12.

Referring to claim 71, see rejection of claim 9.

Referring to claims 73, Candelore discloses transmitting the reward from headend 110 in Figure 1, which also provides VOD content to the user. Also note that Alexander transmits "customized content" from the headend (see the rejection of claim 1).

Referring to claim 74, see rejection of claim 1.

Referring to claims 76 and 78, see the rejection of claim 18.

Referring to claim 80, see the rejection of claim 11.

Referring to claim 81, see the rejection of claim 22.

Referring to claim 82, see the rejection of claim 11.

Referring to claims 83-85, see the rejection of claims 73-74 and 78, respectively.

Referring to claims 86-90, 92-95 and 97-98, see the rejection of claims 1, 9-12, 17-18 and 22.

Referring to claim 96, Candelore discloses that the reward can be customized to characteristics of a viewer (see Column 4, Lines 16-30).

Referring to claims 99-103 and 105-111, see the rejection of claims 86-90 and 92-98, respectively.

Referring to claims 112-124, see the rejection of claims 86-90, 22 and 92-98, respectively. Note that claim 117 differs from the previously newly added claim, which relates to entering the viewer into a sweepstakes. Claim 117 states a monetary reward "or", and therefore reads on claim 22.

Referring to claims 125-137, see the rejection of claims 86-90, 22 and 92-98, respectively. Note that claim 130 differs from the previously newly added claim, which relates to entering the viewer into a sweepstakes. Claim 130 states a monetary reward "or", and therefore reads on claim 22.

Referring to claim 138, Alexander further discloses that the customized content includes customized advertising (see Column 32, Lines 23-67 and Column 33 and 34, Lines 1-67 of Alexander).

5. Claims 91, 104 and 139-142 are rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore (U.S. Patent No. 6,057,872) in view of Alexander et al. (U.S. Patent No. 6,177,931) in further view of Broadwin et al. (U.S. Patent No. 5,929,850).

Referring to claims 91 and 104, Candelore and Alexander teach all of the limitations in claims 86 and 99, respectively. However, Candelore and Alexander fail to teach that the reward also includes a right for a reward recipient to enter into a sweepstakes.

Broadwin discloses a system that provides advertising in the form of an entry form for a sweepstakes (see Figure 19 and Column 18, Lines 56-64).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the advertising system, as taught by Candelore and Alexander, using the sweepstakes entry form, as taught by Broadwin, for the purpose of providing a more simplified mechanism for displaying interactive advertising content (see Column 18, Lines 51-52 of Broadwin).

Referring to claim 139, Candelore discloses providing a reward for receiving content having a video component to at least one viewer over a data network (see Column 3, Lines 40-49).

Candelore also discloses transmitting the content over the data network to a reception device (see terminal 160 in Figure 1 and Column 6, Lines 17-26).

Candelore also discloses presenting on the reception device the content for a presentation period (Column 6, Lines 35-36).

Candelore also discloses providing a reward if the presenting of the content satisfies a predetermined condition associated with the reward (see Column 4, Lines 30-37 and Figure 7B).

Candelore also teaches that the rewards can be sent to the viewer based on a viewer's profile (see Column 4, Lines 16-30), but fails to disclose that the content is transmitted to the reception device in accordance with a customized schedule based on information about the at least one viewer.

Alexander teaches a targeted advertisement system, which customizes video programming, as well as video advertisements (content) to a specified user using a user profile, which is based off the user's viewing habits (see Column 32, Lines 23-67 and Column 33 and 34, Lines 1-67).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the television reward system, as taught by Candelore, using the targeted advertising system, as taught by Alexander, for the purpose of providing customized video and/or advertising to the viewer (see Column 2, Lines 20-21 of Alexander).

Candelore and Alexander fail to disclose that the reward comprises entering the viewer into a contest.

Broadwin discloses a system that provides advertising in the form of an entry form for a sweepstakes (see Figure 19 and Column 18, Lines 56-64).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the advertising system, as taught by Candelore and Alexander, using the sweepstakes entry form, as taught by Broadwin, for the purpose of providing a more simplified mechanism for displaying interactive advertising content (see Column 18, Lines 51-52 of Broadwin).

Claim 140 corresponds to claim 139, where Broadwin further discloses that the contest is targeted to the at least one viewer based on information about at least one viewer (see Column 18, Lines 56-64 for the advertising (which is targeted to a particular user) in the form of a sweepstakes is transmitted to the viewer).

Claim 141 corresponds to claim 139, where Broadwin further discloses that the contest is a sweepstakes (see Column 18, Lines 56-64), and the at least one viewer is entered into the sweepstakes upon each instance that the customized content is displayed on the reception device (see Column 18, Lines 56-64 and Figure 19 for one instance of the sweepstakes advertisement/entry form being offered to the viewer, therefore, upon each single instance, where the entry form is filled out, the viewer is entered into the sweepstakes).

Claim 142 corresponds to claim 139, where Candelore further discloses that a report can be generated including information identifying the at least one winning viewer and the rewards received (see Column 6, Lines 42-67 and Column 7, Lines 1-12 for various types of contests that determine a winner and identify the coupons/rewards received by the viewer, in order to send more coupons/rewards that are similar to those previously received).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason P Salce
Patent Examiner
Art Unit 2614

Jason Salce
11-17-05

November 17, 2005